



Zoning Process Review

 ZUCKER SYSTEMS



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By

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December, 2012

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I. INTRODUCTION AND SUMMARY

A. BACKGROUND AND PURPOSE

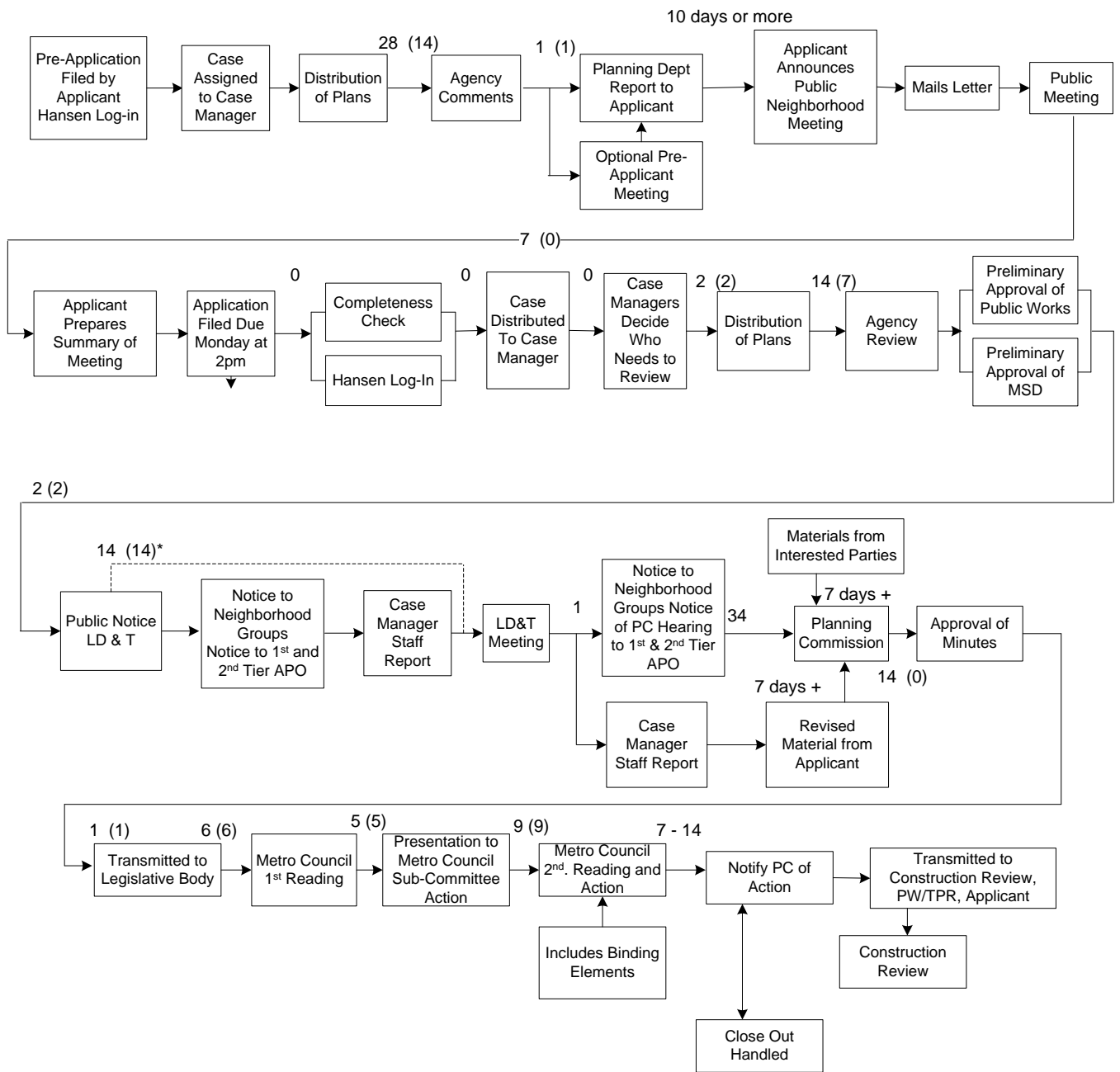
This study was initiated by the Innovation Delivery Team as part of a Rezoning Challenge to conduct a brief overview analysis of the Louisville Metro rezoning process. The study was established within a limited budget with the hope that it could identify a few key improvement areas to the rezoning process. While an attempt was made to verify data collected, it should be noted that time did not allow for detailed verification of all data.

Paul Zucker, President of Zucker Systems reviewed a variety of background information and spent two days in Louisville on September 26 and 27, 2012. He is a nationally recognized expert in this field who completed a more comprehensive review of Louisville processes some 15 years ago. His firm, Zucker Systems has completed work for some 160 cities and counties in 31 states, two Canadian Provinces, Barbados, Cayman Islands, and Washington D. C.

II. THE PROCESS

The rezoning process is shown in Figure 1. This chart was prepared by the consultant from printed material and interviews and given the constraints of this study, additional improvements and corrections are likely needed to this draft chart. A review of the chart with edits added was completed by the Assistant Director of Planning and Design Services. A good chart of the process along with narrative descriptions could be useful for both staff and the public.

Figure 1
Flow Chart of Rezoning Process



Note: It takes twice as long for other legislative bodies (other than Metro Council) because they meet monthly. Takes 6 to 8 weeks.

*Joint notice for LD&T and PC Hearing for fast track cases (lost 14 days, PC hearing 34 days)

- 1. *Recommendation:* Staff should prepare a refinement of the chart shown in Figure 1 to be used in customer handouts and on the Website.**

The Louisville process is similar to that used in many communities. Some of the key features and suggested possible modifications will be described below.

A. PRE-APPLICATION

A Pre-Application in Louisville is mandatory for rezoning. Many communities use a pre-application process and it is generally considered best practice. Some communities allow pre-application to be optional but others make it mandatory. Often, major large projects or major policy processes like rezoning do require a mandatory pre-application. It should be noted that, when pre-application is mandatory, the timelines should be considered part of the overall timelines for the rezoning process. Neither focus group suggested doing away with the Pre-Application process and I suggest it be continued. Possible modifications are discussed below.

Timing for Review

The current process has reviewing agencies completing review of plans within 28 to 30 calendar days of their receipt. Discussions underway in relation to fast track projects suggest reducing this time to 14 days. Most communities use either a 10 or 15 working day timeline for this review. I suggest a 14 calendar days or 10 working days be used for all cases, fast track or not.

- 2. *Recommendation:* Review agencies should complete their review within 10 working days of receiving plans.**

Notice of Neighborhood Meeting

Once the applicant receives the staff analysis the applicant must announce a neighborhood meeting. This meeting can be announced any time after the staff analysis is completed but at least 10 days or more. While I am reluctant to add to this time, the applicant should be encouraged to give at least 15 calendar-days' notice so citizens have ample time to make arrangements to attend the meeting. The applicant could announce the meeting even prior to receiving staff comments.

- 3. *Recommendation:* Applicants should be encouraged to give residents notice of a neighborhood meeting at least 15 days in advance of the meeting.**

The citizen focus group asked that they be notified as soon as a Pre-Application is filed. I concur in this request. Citizens are not paid for their review and normally need at least 30 days to get organized. Following the focus group, staff indicated to me that they already list the application on the website and also send an email to the relevant registered organizations. This would seem to satisfy the citizen concerns. However, there may be confusion on this point and citizens are not aware of this process. The process should be clearly documented and communicated to all citizen groups.

- 4. *Recommendation: All citizen groups should be aware of the early notice to said groups as soon as a pre-application is filed.***

Site Visit

Sometimes, but not always, the Case Manager conducts a site visit before preparing the staff report. I believe the Case Manager should be required to do a site visit prior to the neighborhood meeting and prior to completing the staff report. As part of the site visit, photographs should be prepared and these should be available at the neighborhood meeting.

- 5. *Recommendation: Case Managers should conduct a site visit prior to the neighborhood meeting and bring site photographs to the neighborhood meeting.***

Neighborhood Meeting

The Case Manager does not attend the neighborhood meeting. I think this is a mistake. Part of the Case Manager's responsibility should be to understand and help to resolve citizen and neighbor concerns. As such attendance at this meeting should be mandatory. Although Case Manager no longer receive comp-time or overtime pay, they can take time off to compensate for the evening meeting so long as it is within the pay period. Most of the Case Managers role during this meeting should be listening. However, the citizens and neighbors should be presented an overview of the agency reviews which could be done by the applicant or the Case Manager.

- 6. *Recommendation: Case Managers should attend the neighborhood meeting.***

Summary of Neighborhood Meeting

The applicant is given 7 to 10 days to prepare a summary of the meeting. I suggest that this time be reduced to no more than 5 working days.

- 7. *Recommendation:* Applicants should prepare the summary of the neighborhood meeting within 5 working days of the meeting.**

B. FORMAL APPLICATION AND REVIEW

Formal applications are due at a 2 p.m. cutoff date on Mondays although applications may be filed earlier.

Application Completeness

Applicants complete an application form and two intake staff review the form for completeness. In theory, incomplete applications are not taken in and are returned to the applicant. This is a controversial item in many communities. Some communities are very rigid on this point and will not accept incomplete applications. The theory is that it is a waste of the reviewers time and expensive to circulate and review incomplete applications. It may also give the applicant a false assumption regarding how quickly the application can be reviewed. Others feel it is better customer service to accept the applications and work with the applicant to receive missing information.

There is also often confusion around what constitutes a complete application. I suggest this review be only for quantitative items and not qualitative. Louisville generally follows the quantitative approach. The application also includes a checklist for Site Plan Requirements. It is not considered practical to check these requirements for the intake staff due to both staff constraints and training. Normally, a Case Manager and other review staff are in a better position to conduct the completeness review for these items.

I suggest that the current intake process be continued but incomplete applications be returned to the applicant. Between intake and distribution of plans, there is a two day period. During that time the Case Manager should review the plans and if most of the Site Plan Requirements are not met, the plans should not be circulated and returned to the applicant.

- 8. *Recommendation:* Applications should continue to be checked for quantitative issues and intake and incomplete applications returned to the applicant.**
- 9. *Recommendation:* Prior to circulation of plans, the Case Managers should check the Site Plan for completeness and return incomplete plans to the applicant.**

Submittal Requirements

Although most of the items on the application submittal checklist seem reasonable, overtime, staff, Planning Commissioners, and citizens have tended to ask for more and more information. This trend has happened in many communities. Originally the pre-application process was designed to review a generalized overview of the project and to have enough information to view what I call “killer issues.” These are key issues that would make the project not feasible or not desirable. The applicant focus group suggested that the requirements be reduced, particularly those that are very costly and ask for pre-mature decisions on the part of the applicant. A detailed specification of this possible change is beyond the scope of this study but should be discussed with both developers and citizens.

10. *Recommendation:* Applicants and citizens should discuss the possibility of reducing submission requirements for the Pre-Applications.

Dual Screens for Intake

While the applicant or applicant’s representative is present, the intake staff not only checks for quantitative completeness, but also intakes the application into the Hansen processing system. This is an excellent feature and will be even more critical with the Hansen up-grades and new performance standards discussed elsewhere in this report. One feature used in some communities is dual screens so the applicant can see the data being inputted into the system and help correct any errors. I like the way this involves the customer in the process.

11. *Recommendation:* The possible use of dual screens at intake should be investigated.

Case Assignment, Plan Distribution & Review

The application is assigned to a Case Manager and distributed to review agencies within two working days. This is an excellent process and timing. The assigned Case Manager is normally the Case Manager who handled the Pre-application which is an excellent process. Agencies are given 14 days (10 working days) for their review. This is a reasonable review time that I support. However, it is common that plans must undergo multiple review cycles. Although I did not obtain hard data on this issue, it appears that many plans go through two or three cycles and some, I was told as many as seven. This is the part of an otherwise good process but where applications can get bogged down. It is easy to see how the process can take what applicants feel is too long if each cycle is given 10 working days. I suggest that the review times be cut in half for each cycle. If the first cycle is 10 days, the second cycle would be five days and subsequent cycles two or three days.

The applicant also plays an important part in how long it takes to process an application. Incomplete or even partially incomplete applications lengthen the process. Additionally, the time the applicant takes or requires to respond to agency comments adds to the timeline. It is not unusual for applicants to complain that government is taking too long to process rezonings or other applications when a major part of the problem is caused by the applicant.

This problem can be addressed by not only having different performance standards for each cycle, but also carefully monitoring actual performance. Although this monitoring system is currently not part of the Hansen system, I was pleased to hear that it will be available in the up-graded system. Under this system, each cycle will have a separate performance standard. The date the cycle start will be in the system and the date the review agencies respond will also be in the system. This will allow managers and Case Managers to monitor progress and make necessary corrections. The system should be set to not only measure the Louisville Metro's total response to the applicant, but also measure how each review agency responds. This will require some staff training so that the proper data is inputted into the system, but once completed will require minimal time to operate and prepare reports. The goal should be to meet all pre-set performance standards at least 90% of the time.

12. *Recommendation:* Performance Standards should be set for all application reviews and for each review agency.

13. *Recommendation:* Timelines for performance standards should be cut in half for each review cycle.

14. *Recommendation:* The Hansen System and staff training should be designed to measure all cycles.

Inter-Agency Review

Although there is an inter-agency meeting and review of projects, the meetings are not designed as problem solving meetings. There is not an inter-agency meeting that the applicant attends to discuss issues with the project. The process in Louisville can actually be seen as two types of decisions. One is whether a rezoning should be granted. However, with the binding elements and development plan requirement, it takes on a different characteristic. Since there is no staff recommendation, the process mostly becomes one of stitching together the various reviews.

Needed is clarity as to what the process is trying to accomplish.

One goal is to implement the Cornerstone 2020 Plan. However, many feel that the Plan is out of date. State law allows a finding that:

“There have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in the adopted comprehensive plan and which have substantially altered the basic character of such area.”

Even broader, State law allows a finding that:

“The existing zoning classification given to the property is inappropriate and that the proposed zoning classification is appropriate.”

These two statements then give broad flexibility to the rezoning process. It would appear to be helpful to have additional staff and policy maker discussions in relation to the mission of the rezoning process. I assume that the overall goal is to build a better Louisville. However, this can be interpreted in many ways. Hopefully, the Mayor’ visioning process and a revised comprehensive plan can help with this issue.

I recently worked for Calgary, Alberta and the staff in that system is charged with making a “corporate” decision. This means that there often has to be give and take and compromises between all the specialist review agencies.

15. Recommendation: A stronger inter-agency review system should be put in place that works closer with the applicant, has a clear decision-making process, and recognizes the need for some compromises.

I was told that Fire and Parks do not participate in the inter-agency review committee. This is highly unusual and should be reviewed.

16. Recommendation: Louisville Metro should review if Fire and Parks should be included in inter-agency review/Hansen.

Metropolitan Sewer District (MSD) and Public Works/Transportation Planning Approvals

The current system requires MSD and Public Works/Transportation Planning to stamp their approval of plans, prior to being advertised for a LD&T meeting. There is no need to physically stamp plans. Both agencies can, and likely do, already indicate their approval in the Hansen system. While perhaps not a major item, changes to this type process can begin to pave the way for an electronic and mostly paperless system.

17. Recommendation: MSD and Public Works/Transportation Planning should no longer be required to physically stamp their approval on plans.

The review and conditioning of plans by MSD and Public Works/Transportation Planning is very important. However, I see no reason why plans should not proceed to

LD&T and Planning Commission review while any issues are being worked out. Both MSD and Public Works/Transportation Planning, when necessary, can indicate to LD&T and the Planning Commission that, lacking adequate plans, they recommend that the rezoning be denied.

The goal of the rezoning process and the related development plan, we assume, is to build a better Louisville. To do so, in some cases may require MSD and Public Works/Transportation Planning to creatively solve applicant problems and work well with other issues including planning, landscape, urban design, and historic preservation. Given that MSD and Public Works/Transportation Planning have, in essence, veto power over all other reviewers takes away from a cooperative and problem solving review.

There may be only limited options for MSD in relation to meeting sewer requirements. However, MSD also has the review and approval of stormwater as part of their responsibility. This has become a major issue throughout the United States and is an area that requires careful integration with other functions. MSD indicates that when plans come in by Monday, they hold an inter-department meeting on Thursday and resolve most MSD issues at that time. This is an excellent timeline and approach.

Public Works/Transportation Planning handles all the engineering and transportation aspects of applications. While it was once thought that there can be clear standards for both engineering and transportation, this has proven to not be the case. There is considerable room for problem solving and alternative engineering and transportation solutions related to street widths, street capacities, turn radius, sidewalks, bikeways, parking layout and standards, and similar items. All of these items need to be carefully integrated into the entire project. There are no fees for Public Works/Transportation Planning review, which is unusual. Additionally, there is no Public Works/Transportation Planning process or procedure manual. There is an issue between Planning and Public Works/Transportation Planning concerning sidewalks that evidently is reoccurring.

18. *Recommendation:* The requirement that MSD and Public Works/Transportation Planning must sign off on projects before they proceed to LD&T and the Planning Commission should no longer be required, because it adds redundant steps to the process and can impact the timelines.

19. *Recommendation:* Louisville Metro should consider a fee for Public Works/Transportation Planning's review of rezoning and other development projects.

- 20. *Recommendation:* Public Works/Transportation Planning should develop a policy and procedures manual, so that all staff understand the process and it is consistently carried out.**
- 21. *Recommendation:* Public Works/Transportation Planning and Planning should work on a policy to resolve sidewalk issues, since these often come up as part of the binding elements which are an integral part of the rezoning process.**

C. LD&T REVIEW

LD&T Meeting

Under the current system, once MSD and Public Works/Transportation Planning sign off, the application goes to an LD&T meeting. Public Notice is given within two days of the sign offs and there is a 14 day notice period. This is a very important notice since it is one of the few formal points at which citizens and neighbors access the process. The LD&T meeting is a process that has been used in Louisville for many years. LD&T does not make a recommendation. The intent is to use a sub-committee of the Planning Commission to review applications prior to the Planning Commission meeting to suggest possible areas needing additional attention. Many communities skip this part of the process or replace it with various forms of staff review. I considered recommending elimination of the LD&T meeting; however, the applicant focus group felt it is an important and useful meeting. Although not discussed with the citizen focus group, it would appear that it can also be useful for the citizens as well. As such, I suggest the meeting continue to be held.

I did have the opportunity to view one LD&T meeting. It is organized very much like it was some 15 years ago when I completed my first study of the Louisville processes. It is very informal. Planning Commissioners sit around a table, applicants stand at the table to discuss plans. It can be hard to hear and hard for everyone to see the plans. Although citizens were not present for the meeting I attended, it is likely even more difficult when they are in attendance. Given my limited study, I am not prepared to provide specific recommendation other than to suggest that the logistics and meeting procedures be substantially reviewed. Modern technology should be used to project plans on a screen, good sound equipment used, chairs or podiums for applicants and citizens should be available.

- 22. *Recommendation:* The meeting logistics for the LD&T meeting should be changed.**

D. PLANNING COMMISSION

Staff Reports and Recommendations

Following the LD&T meeting, neighborhood groups and 1st and 2nd tier property owners are given notice of the Planning Commission meeting. This notice requires a minimum of 34 days.

The Case Managers staff report is prepared for this meeting and must be available six days before the meeting. This is standard practice in many communities. I reviewed several staff reports. They are comprehensive in nature and generally well done. However, they tend to be lengthy and we doubt much of the material is actually read by Planning Commissioners. The reports are very comprehensive in relation to the Comprehensive Plan. However, the Cornerstone 2020 Plan, like many city and county plans includes what some could consider to be contradictory directives. It would be useful if the entire staff report had its key points summarized in one page at the beginning of the report. I also believe there should be a recommendation from either the Case Manager or the Department. This is standard practice in most communities.

This issue has been discussed in the past in Louisville and the decision made to not include staff recommendations. I discussed this point in the applicant's focus group. While a few members of the focus group supported the idea, most did not, some adamantly opposed it. Communities that oppose staff recommendations say that this is the job of the Planning Commission and it is not reasonable to make a decision prior to receiving public testimony. However, the applicant, who often writes the Findings of Fact, draws conclusions prior to the public testimony and citizens do as well. I feel it does a disservice to the process, the citizens, the applicant and the Planning Commission by not having the benefit of a well-reasoned and succinct staff recommendation.

Contemporary management theory stresses the importance of empowering employees and managers. Suggesting to staff that their professional opinion is not important can demotivate staff and complicate the hearing process.

23. Recommendation: Louisville Metro should discuss including a staff recommendation in the staff report.

Agenda Timelines

Planning Commission hearings are all set for 1:00 p.m. However, if there is a lengthy agenda, there may be a long wait for items of concern to citizens to be heard. Staff should estimate hearing times and set some items for later than 1:00 p.m.

- 24. *Recommendation:* The Planning Commission agenda should set hearing times at times estimated by staff.**

Minutes

The minutes of the Planning Commission are lengthy and not available until 14 days after the hearing. However, for anyone needing details or items proceeding to litigation, the entire tape of the meeting is available. As such, many communities use a summary type minute. The clerk or secretary works on a computer during the course of the meeting, mostly recording the official actions. By the end of the meeting, the minutes are essentially complete, saving substantial staff time and having the minutes available much sooner.

- 25. *Recommendation:* The Planning Commission should consider the use of summary minutes.**

E. METRO COUNCIL ACTION

The Metro Council must act on all rezoning applications. The Council has a first and second reading of the item and the full Council meeting is preceded by a Council Sub-Committee. The Council approves or denies both the rezoning as well as the binding elements. Occasionally, the Council will modify or add to the binding elements. The applicant focus group suggested that although the State law specifies that the Planning Commission may change or add to the binding elements, it does not give that authority to the Metro Council. This is a legal issue that is well beyond the scope of this study. The normal time required from Planning Commission action to Metro Council action appears to be 35 days.

F. BINDING ELEMENT ENFORCEMENT

Citizens expressed concern regarding what they consider the lack of enforcement of binding elements. The binding elements are checked as part of building plan check and are also checked before Certificate of Occupancy is granted. I notice that State law also gives considerable attention to enforcement of binding elements. It may be that enforcement issues relate more to continuing binding element conditions. This topic is beyond the scope of this study but it appears that a discussion with citizen groups could be warranted.

- 26. *Recommendation:* A discussion should be held with citizen groups concerning enforcement of binding element conditions.**

G. OVERALL ZONING OPTION

The applicant focus group suggested another option for the zoning process. Under this option, the Planning Commission date is pre-set at the time the application is submitted. There is a submittal date cut-off set for this process. Many communities use this process. The advantage is that it gives clarity to applicants and citizens as to the timelines. It tends to force applicants to submit complete applications and be more responsive to staff requests. It tends to give clear timelines for staff review. If applicant or staff work is not completed in time for the hearing, applicants can ask for a delay. If the problem is lack of responsiveness by the applicant, staff can ask for a continuance or delay. If applicants insist on a hearing before the Planning Commission, staff may recommend denial or continuation of the application until issues are resolved. I tend to like this kind of a system. However, a change of this magnitude would require more research than is possible in this current report.

III. OTHER ISSUE AREAS

Although this study was designed to look at the rezoning process, a variety of other issues surfaced during the course of the study as discussed below.

Business Cards

While many employees have business cards, others do not. Additionally, all employees are not instructed to freely hand out the cards. I believe every customer that talks to a staff person should leave the building with that person's business card.

27. *Recommendation:* All employees should have business cards.

28. *Recommendation:* Employees should be instructed to make certain any customer they talk with leaves with their business card.

Long Range Planning

There is considerable national debate as to how to best organize the long-range planning functions. Some communities have the function in a department that also includes current planning. Other, have a separate planning department. We recently completed a survey of the 50 largest U.S. cities. Of these, 90 percent had long-range planning and current planning within the same department. When all else is equal, I feel it is best to have them combined. However, whether combined or separate, it is essential that long-range and current planning have good communication between the two functions.

Normally when long-range planning is not combined with current planning, it is done with the thought of strengthening long-range planning or, in some cases like Louisville, having it work closer to economic development. In an interesting twist, a few focus group members suggested the move in Louisville was to remove consideration of planning issues in the zoning and other development processes.

All of this is outside the scope of this study. However, I was told that there are only 3 or 4 long-range staff members. This number is substantially below what I would normally expect for a city the size of Louisville, particularly given the need to update the Cornerstone 2020 Plan.

29. *Recommendation:* Louisville Metro should review if it has adequate staff for long-range planning.

It also appears that there are a variety of long-range planning issues that are not being discussed such as some of the issues raised in the recent major health study, and national issues related to sustainability, green development, and new urbanism. Louisville appears to have a major emphasis on economic development. Most economic development efforts I have worked with indicate that increasingly, quality of life issues are high on the list of economic development concerns.

Staffing

Once processes, performance standards, and timelines are established, it is critical that Louisville Metro have the appropriate number and quality of staff to achieve the pre-set objectives. Given the national economy and city budgets, it is not unusual the zoning process is understaffed. However, this should not be the case. Applicants are more than willing to pay a fee that is adequate to support good service and short timelines. Many communities today charge fees that cover full cost of the process. Although I could not undertake a staffing analysis as part of this study, managers should set the appropriate staffing and support fee increases as necessary to cover costs.

It appears that Case Managers who process zoning cases are at a relatively low pay scale. Even the applicants in the focus group commented on this issue. This can impact the quality of the staff and quality of staff research. It can be even more important if the recommendation for the staff to make recommendations on zoning cases is adopted. It may also be that a higher level position should be used for Case Managers.

In my meeting with the Case Managers, it was noted that the Innovation Delivery Team material has not been shared with them. I ended up with the overall impression that this and other relevant material may not being shared.

30. *Recommendation:* Louisville Metro should review the pay and qualifications for Case Managers.

31. *Recommendation:* Relevant material from the Innovation Delivery Team studies and long-range planning, and work on the zoning ordinance should be shared with the Case Workers.

Telephone and Email

It appears that there is no Department policy as to when telephone calls and emails are to be returned. Many communities use 24 hours as a guideline. However, we are in the information age and customer expectations have increased. I suggest that all

phone calls and emails be returned the same day received, i.e. no staff goes home at night until they have returned all phone calls and emails.

32. *Recommendation:* The Department should adopt a policy that all phone calls and emails be returned the same day received.

The Department's website includes some phone contact information but it is incomplete. I believe all staff members should be listed along with phone numbers and email addresses. Ideally, pictures of the staff are also included.

33. *Recommendation:* The Department's website should include a listing of all staff along with phone numbers and email addresses.

Zoning Code Review

A committee and staff are working on revisions to the Zoning Code. However, applicants feel the effort is focusing on minutia and is not likely to obtain major needed changes. In my experience elsewhere, I find this is often the case. I have been working with Cincinnati on their revisions to the zoning ordinance. This effort has four or five consultants and is budgeted at over a million dollars. Louisville should talk to the Cincinnati planners for advice on this issue.

34. *Recommendation:* Louisville should look at the process in developing a new zoning ordinance for Cincinnati to see if changes to the Louisville approach are needed.

IV. INNOVATION DELIVERY TEAM CHARTERS

Although not an official part of this study, we were asked to do a quick review of the Innovation Delivery Team Charters relating to the rezoning process. I gave verbal comments to Innovation Delivery Team staff while I was in Louisville but a few key points are summarized below.

Charter 1. Fast Track Programs

The objective of this Charter is to decrease the number of steps and/or review time for simple, non-controversial cases by creating a fast track program as an alternative to the typical rezoning process. I support the notion that simple projects should have a different and often faster process than the more complex or larger projects. The staff suggested timelines for Fast Track projects are shown in parenthesis on Figure 1. These would appear to be reasonable timelines.

In addition to simple, non-controversial cases, I favor having a fast track process available for all cases. Since this generally requires extra staff, consultants or resources, many communities have an extra charge or fee for this service. It is not unusual that the normal fee is doubled.

35. *Recommendation:* Louisville should consider a possible fee-based Fast Track process for all applications.

Charter 2. Public Notification of Rezoning Cases

This Charter has two objectives. The first is to improve the citizen participation component of the rezoning process by creating a more visual and eye-catching template for rezoning notices. I am very supportive of this objective.

The second objective is to streamline the notification process by requiring applicants to take responsibility for all aspects of noticing. I am generally opposed to this idea. Shifting this type of requirement works against good customer service. It is generally done to reduce the public cost of processing. However, Louisville Metro and staff are in a better position with modern technology to handle the noticing process. If it is a cost issue, the extra cost should simply be added to the application fee.

36. *Recommendation:* The responsibility for noticing should remain with Louisville Metro.

Charter 3. Create Multimedia User Guide

This Charter has two objectives. The first is to improve customer understanding of the rezoning process through the creation of an interactive and visually attractive user guide. I am fully supportive of this initiative. The chart I prepared for Figure 1 can assist in this effort.

Louisville's zoning ordinance is a complicated and out of date document. Many communities have helped the process by converting the code to an electronic code that color codes various sections, helps with cross referencing, and highlights all definitions. Staff was not aware of such systems. These systems are reasonably inexpensive, likely \$50,000 or less and available from several vendors.

37. *Recommendation:* Louisville Metro should consider purchase of electronic code features.

The second objective is to reinvent Planning College as multimedia series of lessons to engage the community and educate citizens on the planning processes. I am very supportive of this objective.

Charter 4. Create Electronic Application Submission; Expand Online Case Tracking Functionality; Improve Overall User Friendliness of Website.

I am highly supportive of all three of these objectives. The national trend for all development review and permitting is to move to the so called, "paperless office." Louisville Metro has made some progress in this area in the building permit function and with the pending upgrade of Hansen. There also appear to be substantial City technology staff available for this transition.

In discussion with the relevant technology staff, they indicated that the current plan is simply to accept PDF plans over the Internet. Final building plans already require submission of a PDF file to Louisville Metro and the paper files no longer need to be retained. However, current plans miss a critical step. Needed is electronic plan check software for plan review. Under this system each review agencies can mark up plans in a different color and all reviewers and applicants can see all comments. When the applicant makes changes, the program flags these in another color so that reviewers can quickly see the changes. This transition requires large computer screens. Some communities use 40 inch screens, others use a dual 20 inch and 30 inch screen. The system also requires substantial staff training as staff learn the new system and gradually transition to being able to review plans on a screen rather than on paper.

The first step for Louisville would be to ask the technology staff to develop cost estimates for this system including software, hardware, and staff training. Managers

and staff who are responsible or conduct reviews should be heavily involved in planning the transition including the selection of software and hardware.

38. *Recommendation:* Louisville Metro should proceed to using electronic plan review.

Charter 5. Implement Technology Improvements for Public Hearings at the Old Jail Auditorium

This Charter has two objectives. The first is to make public hearings more accessible, productive, and efficient by addressing the audio-visual and spatial deficiencies of the Old Jail auditorium. I am highly supportive of this objective. We are in the information age. There is simply no excuse for government operating as if it is not.

The second objective is for interactive television hearings. This is a worthy objective. Many meetings are already televised and it is a small step to allow participants to have telephone access. New methods of inter-active viewing and listening are appearing almost daily so this initiative may discover other methods as well.

V. CUSTOMER PERCEPTIONS

In today's environment, governmental performance is measured by customer satisfaction. In order to obtain customer information in relation to the zoning process, I used two focus groups.

The intent of this customer input was to elicit views and opinions on positive and negative aspects of activities and to seek ideas for change that will improve and enhance the zoning process. However, as would be expected, the focus was on perceived problems.

In considering the results, the reader must bear in mind that, unlike documents and statistics, the views expressed by individuals are subjective and may reflect personal biases. Nonetheless, these views are at least as important as objective material because it is these people, with their feelings and prejudices that work with or are often affected by the zoning process. A second important consideration is that in analyzing the material, it may not be as important to determine whether a particular response is "correct" as it is to simply accept a response or try to determine why customers feel the way they do. Tom Peters, the noted management consultant, has said that in relation to customer service, "Perception is everything." In other words, perception is reality to the person holding the perception.

It should be noted that the purpose of this chapter is to report on the customer input so that the reader of the report can view the comments as customer perceptions without my editing. These comments are not necessarily my conclusions. They are taken as one form of input to be merged with my own judgment. My specific response is in the form of the various recommendations included in this report.

A. FOCUS GROUP – APPLICANTS

Eight people who had been applicants or represent applicants in Louisville Metro's zoning process met on September 27th for two hours at the Metro Development Center. The meeting was held in confidence and no staff members from the Department of Codes and Regulations were present. Three staff from the Innovation Delivery Team observed the group. Focus group comments are included below. Although the focus of discussion was the zoning process, other comments are included that could be useful in other parts of Louisville Metro's development process. Topics are arranged in alphabetical order.

Case Managers

The possibility of Case Managers making recommendations on zoning applications was discussed. Although a few focus group members supported this possibility, most did not. Other Case Manager issues included:

- Case Managers need to be more helpful to the applicants, keeping projects on track and having more authority.
- Case Managers are not vested in getting the projects approved.
- Case Managers are poorly paid.

LD&T

The LD&T meeting is useful. There is no objection to formatting the meeting better, using modern technology, and better management of the meeting.

Metro Council

The Metro Council is taking too much of a hands-on view of zoning. Although State Law allows the Planning Commission to add binding conditions, nothing in the law allows the Metro Council to do so.

Pre-Application

Too much detail is required for the Pre-Application.

Processes

The current Zoning Ordinance has some useful processes like PDs but staff has problems with new ideas and is uncomfortable using any new tools.

Public Hearing

The Public Hearing date should be set at the time of filing the zoning application and not wait for the LD&T meeting to set the hearing date.

Timelines

The zoning process is too long and longer than other cities.

Zoning Ordinance Update

The Zoning Ordinance needs major improvement but the current process is stuck in minutia.

B. FOCUS GROUP – CITIZENS

Seven citizens met on September 26th for two hours at the Metro Development Center. The meeting was held in confidence and no staff members from the Department of Codes and Regulations were present. Two staff from the Innovation Delivery Team observed the group. Focus group comments are included below. Although the focus of discussion was the zoning process, other comments are included that could be useful in other parts of the development process. Topics are arranged in alphabetical order.

Binding Elements

Louisville Metro does not enforce the Binding Elements. Some call them, “Bending Elements.”

Board of Adjustment

Members are not trained.

Case Managers

The Case Managers should attend the developer’s pre-application meeting with the citizens. There is no one in the process that represents the citizens. The Case Manager should be concerned for both the applicant and the neighbors. Staff never contacts or hears from the neighbors until the public hearing. Any neighbor report is not seen by the planners until the public hearing. The neighbors report or position should be available before the LD&T meeting.

Coordination

There is a lack of coordination and planning between MSD and Planning on sewer extension plans and this can impact the zoning process.

Cornerstone 2020 Plan

The Cornerstone 2020 Plan needs to be revised. While citizens participated in the process of developing this Plan, before or during adoption, some of the key items of concern to citizens were left out. Sustainability and housing affordability were banned in the Plan. Even so, not enough attention is given to the Plan.

Housing Study

There was a HUD funded major housing study to look at impediments to lower cost housing. Although the development process was noted as a major impediment, the Land Development Code staff was not involved.

Metro Council

The Metro Council has its own Planning and Zoning Committee but citizens cannot speak unless there is permission from the Chair. Also at this meeting, the Binding Elements may be changed or added to without any public input.

MSD

The MSD projects are reviewed by the Planning Commission, but there are no legal teeth so MSD may ignore the Commission's suggestions. Some MSD staff like sustainability but they are not the ones doing the development reviews.

Organizational Location of the Planning Function

Some feel that the long-range planners were moved out of the Department of Codes and Regulations so that they would not interfere with zoning. The long-range planning Director is good but does not have an adequate public process.

Planning

Louisville Metro does not really have Planning, it has Zoning. More and better Planning is needed.

Public Hearings

Hearings are all set for 1:00 p.m. which means citizens may have to wait a long time to be heard on their specific items of concern. Times should be set closer to anticipated hearing time.

Small Homeowner Improvements

People don't know who to call or how to get information on their projects.

The Citizen Voice

There are positive thoughts concerning the new Mayor and his visioning effort. However, there is a feeling that the developers have a much stronger voice than do citizens and have easier access to the Mayor. There is also a feeling that the planners are controlled by development interests. Pro-development decisions are made behind closed doors.

Zoning Code

The Zoning Code is way out of date.

Zoning Process

There should be a clear time for the neighborhood meeting and neighbors should be notified as soon as a Pre-application or Application comes in. Citizens often get involved after key decisions have already been made. Until 2006, the Pre-application was confidential and citizens could not participate.